

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

9

O.A.No.899/94

New Delhi, this the *5th* day of September, 1994,

HON'BLE SHRI P.T.THIRUVENGADAM MEMBER(A)

Shri Kishore Kumar
s/o Shri Kanhiya Lal
r/o Qr.No.1078, BKS Marg,
Block No.30, New Delhi.

..Applicant

(By Advocate Shri B.Krishan)

Vs.

1. Union of India, through:
Secretary,
Deptt.of Urban Development
Govt.of India, New Delhi.
2. Director,
Dte. of Estate, Nirman Bhawan,
New Delhi.
3. Union of India,
Ministry of Non-Conventional
Energy Sources, Block No.14,
CGO Complex, Lodi Road,
New Delhi.

...Respondents

(By Advocate Shri Madhav Pakimar)

ORDER

HON'BLE SHRI P.T.THIRUVENGADAM MEMBER(A)

Heard both the counsels. Shri B.Krishan learned counsel for the applicant produced a copy of letter written by the Minister of Surface Transport dated August 1993 and addressed to the Minister of State for Urban Development carrying an endorsement alleged to be under the signatures of the Minister of State for Urban Development. This is being taken on record.

2. The applicant's father was working in the office of CAG of India, New Delhi and retired on 29-2-1992. He was in possession of government accommodation (type 'C'). The applicant is working as L.D.C. in the Ministry of Non-Conventional Energy Sources, C.G.O. Complex. It is admitted that the applicant is eligible for ad hoc allotment on out of turn basis of a suitable type at the

10

time of retirement of his father since he fulfils the necessary conditions for such consideration. The applicant had applied for regularisation of the type 'C' house which was earlier in the name of his father. This O.A. has been filed for a direction for such regularisation.

2. The ld. counsel for the applicant mentioned that the case of the applicant had been sponsored on a number of occasions by the Minister of Surface Transport to the Minister of State for Urban Development. A photo copy of one such letter written by the Minister of State for Surface Transport in August 1993 was produced by the ld. counsel for the applicant during the hearing, though a copy was not attached to the application and ^{only a} mention was made in the application in para 4.9 to the effect that there was a letter from the Minister of State of Surface Transport in August 1993 to the Minister of State for Urban Development recommending the case of the applicant and the Urban Development Minister had made an endorsement on the letter "may be allowed to be regularised." In the reply in para 4.9 the respondents have stated that the Hon'ble Minister for Urban Development has nowhere noted on the letter received by him that the applicant may be allowed to retain the afore-mentioned quarter. Even with regard to the photo copy of the said endorsement dated 6-10-93 there was some doubt expressed by the respondents with regard to the genuineness of the endorsement. It is not necessary for me to go into this aspect since ⁱⁿ the counter reply there is an annexure which is a copy of the letter dated May 1994 from the Hon'ble Minister of State for Urban Development to the Minister for Surface Transport. It is admitted by both parties that this is the latest letter and

2

11

this letter reads as under:-

"This refers to your D.O.No.MS(SFT)/JJK/
Res 7687/93 dated 1-12-1993 regarding
regularisation of Qr.No.1078, B.H.S.
Marg in the name of Shri Kishore Kumar
(son of Shri Kanhiya Lal).

2. I have got the matter examined.
Shri Kishore Kumar who joined the service
in the year 1987 is not eligible for
type 'C' accommodation and regularisation
of type 'C' quarter in his favour will
result in allotment of accommodation even
higher than his entitlement.

3. Presently, officials with more than
30 years of service are being allotted
type 'C' quarters and hence it was not
found possible to regularise the type
'C' quarter in occupation of the family
in favour of Shri Kishore Kumar.

4. It is, however, informed that a
ground floor type 'B' quarter has been
allotted to Shri Kishore Kumar on
regularisation, keeping in view the
medical requirements of the family.

5. I hope you would appreciate the
difficulty explained above in regularising
the type 'C' quarter in occupation of
the family."

3. The ld. counsel for the applicant argued that
the endorsement dated 6-10-1993 by the Minister
incharge of accommodation should have been honoured.
I do not propose to go into this aspect since the
respondents have denied such endorsement. Also even
if such endorsement had been there on the covering
letter, what was the follow up action is not known.
In any case there is a ^{later} letter from the Minister
incharge [^] disallowing the claim.

4. The other grounds namely that higher type
allotment could be made to the applicant as per
provisions for relaxation in the rules, the case

(12)

requiring sympathy in view of the medical grounds and type 'B' accommodation being too small for the family purpose are not germane to this O.A.

5. In the reply affidavit, it has been stated that a type 'B' accommodation had been repeatedly allotted to the applicant who has not been accepting the same. It has been added that the respondents are still willing to offer a Type 'B' quarter to the applicant. The ld. counsel for the respondents stated across the bar that a type 'B' accommodation was allotted as late as on 25-8-1994.

6. In the circumstances, the O.A. is dismissed being devoid of merits. No costs.

P. J. Thiruvengada R.

(P.T. THIRUVENGADA R.)
Member (A)

'M'